IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9017 OF 2005

Prakash Babanrao Gawli and Anr. ..Petitioners

Versus

The Divisional Commissioner and Ors. ... Respondents.

Mr. Amit Borkar for the petitioner.
Mr. P.P. Kakade, Assistant Government Pleader, for respondent Nos. 1 and 2.

CORAM: **V.G. PALSHIKAR, Ag. C.J.,** & **SMT. NISHITA MHATRE, J.**

DATE: **JANUARY 17, 2006**.

P.C.

This petition is a glaring example of a person not belonging to a Backward Class hounding a person belonging to that class by trying every possible means to see that he is harassed.

2. By this petition, the petitioner has impugned the order passed by the Caste Scrutiny Committee holding that the caste of respondent No.3 in the present petition is what it is being certified as “Billava”. The question of the caste being verified arose because of the elections to the Lonavala Municipal Council in which from the Constituency or Ward reserved for a Backward Class candidate was filled in by the successful

candidate i.e. respondent No.3.

3. The third respondent had applied for verification of his caste and validation of his certificate which was done by the impugned order. The petitioner challenges the correctness of this order on several grounds.

4. The first contention is that Rule 5 of the 2003 Rules in this behalf has not been considered. Secondly, the certificates on which reliance is placed are obtained after the year 2001 and consequently cannot be relied upon. The certificate of respondent No.3 from his school is challenged at the instance of the petitioner and, therefore, it should not be relied upon.

5. A scrutiny of the impugned order shows that, apart from relying on this documentary evidence, vigilance cell report was called for and the vigilance cell visited the school of respondent No.3 and scrutinised his claim to that caste viz. Billava. Then the Committee has given its reasons as to why the certificate granted to respondent No.3 is liable to be declared as valid. Cogent reasons have been given. Those are based on adequate evidence. There is, therefore, no

jurisdictional error or there is no perverse finding recorded by the Committee. In such circumstances, this Court need not interfere in exercise of its jurisdiction under Article 226 of the Constitution. Hence, petition is dismissed.